



Atty. Dkt. No. 046983-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: A. Maxwell Eliscu

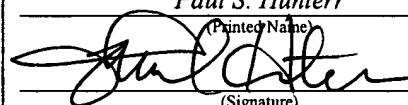
Title: SYSTEM FOR AND METHOD
OF HANDLING REFERRALS
FROM REFERRING PARTIES

Appl. No.: 09/667,391

Filing Date: 09/20/2000

Examiner: Jeffrey Pwu

Art Unit: 3628

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date below.	
<hr/> Paul S. Hunter (Printed Name)	
<hr/>  (Signature)	
<hr/> August 30, 2005 (Date of Deposit)	

**STATEMENT UNDER 37 C.F.R. § 1.8(b)(3) IN SUPPORT OF A PETITION UNDER 37
C.F.R. § 1.181 TO WITHDRAW HOLDING OF ABANDONMENT**

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

I, Paul S. Hunter (Reg. No. 44,787) do hereby attest that on April 12, 2004, I caused to be mailed, with respect to the above-identified patent application, via first class U.S. mail with appropriate postage in compliance with the Certificate of Mailing procedure set forth in 37 C.F.R. § 1.8, an Amendment and Reply to an Office Action mailed January 13, 2004, an Amendment transmittal, and a return receipt postcard. I also do hereby attest that I, Paul S. Hunter, personally signed the Amendment and Reply, the Amendment transmittal, and the Certificate of Mailing included on each document on April 12, 2004, in compliance with the

Certificate of Mailing procedure. Therefore, I do hereby attest that the response was filed on April 12, 2004, prior April 13, 2004, the date the response was due. Therefore, under the Certificate of Mailing procedure, the response was timely filed in this case.

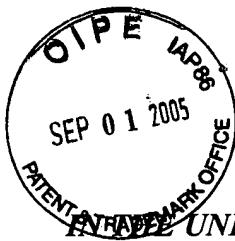
Respectfully submitted,

By 

Date August 30, 2005

FOLEY & LARDNER LLP
150 East Gilman Street
P. O. Box 1497
Madison, Wisconsin 53701-1497
Telephone: (608) 258-4292
Facsimile: (608) 258-4258

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787



Atty. Dkt. No 046983-0103

DAC
TAW

UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: A. Maxwell Eliscu

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Callie M. Bell
(Printed Name)

Callie Bell
(Signature)

August 30, 2005
(Date of Deposit)

RENEWED PETITION TO WITHDRAW THE HOLDING OF ABANDONMENT
UNDER 37 C.F.R. § 1.181

MAIL STOP PETITIONS
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

On August 26, 2005, we received a Decision on Petition to Withdraw the Holding of Abandonment mailed August 22, 2005, relative to the above-identified application (Application). The petition was dismissed because the postcard submitted with the petition filed by Applicant on October 7, 2004, did not effectively show a timely reply based on the date stamp of April 14, 2004. The previous petition was filed in response to a Notice of Abandonment mailed September 30, 2004, relative to the Application. Request is hereby respectfully made, in accordance with 37 C.F.R. § 1.181, that the Notice of Abandonment be withdrawn relative to the Application based on this renewed petition.

Applicant received a Notice of Abandonment, mailed September 30, 2004 and received by Applicant on October 5, 2004, indicating that the Application was abandoned for failure to timely and properly respond to the Office Action mailed on January 13, 2004. Applicant's attorney, however, filed a proper and timely response to the Office Action on April 12, 2004. The response was received in the U.S. Patent and Trademark Office on April 14, 2004 as

evidenced by the enclosed stamped postcard received by applicant's attorney from the U.S. Patent and Trademark Office on April 19, 2004. Additionally, the response included a signed Certificate of Mailing which included the date of signing. Applicant's attorney attests to his personal knowledge of transmitting the original response on the date indicated on the Certificate of mailing in the enclosed Statement under 37 C.F.R. 1.8(b)(3). As a result, the Notice of Abandonment should be withdrawn.

Enclosed is a copy of the Amendment Transmittal and the Amendment and Reply that were filed on April 12, 2004, and a Statement under 37 C.F.R. 1.8(b)(3), by Applicant's attorney, confirming the proper and timely filing of the response to the Office Action on April 12, 2004. Also enclosed with this petition is a photocopy of the postcard received from the U.S. Patent and Trademark Office that verifies receipt of the above-mentioned response. Additionally, copies of the Decision on Petition to Withdraw the Holding of Abandonment and of the Notice of Abandonment are enclosed.

According to MPEP § 711.03(c) I., no fee is due. Nonetheless, if it is determined that a fee is required with regard to this Petition, the Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350.

Respectfully submitted,

Dated: August 30, 2005

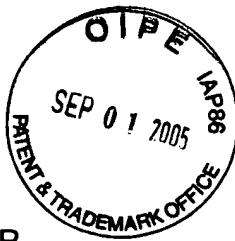
FOLEY & LARDNER LLP
Customer Number: 23524
Telephone: (608) 258-4263
Facsimile: (608) 258-4258

By Callie M. Bell

Callie M. Bell
Attorney for Applicant
Registration No. 54,989



UNITED STATES PATENT AND TRADEMARK OFFICE



AUG 22 2005

FOLEY & LARDNER
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE WI 53202-5308

JNZ/PSH
46983-103A
Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

RE-APPLIED
AUG 26 2005
FOLEY & LARDNER LLP
(REQ / REVIEW DECISION)
RESPONSE DUE 10/22/05

1 MO. RMR 9/22/05

In re Application of

A. Maxwell Eliscu

Application No. 09/667,391

Filed: September 20, 2000

For: SYSTEM FOR AND METHOD OF
HANDLING REFERRALS FROM
REFERRING PARTIES

This is a decision on applicant's renewed Petition to Withdraw the Holding of Abandonment under 37 CFR 1.181 filed in the United States Patent and Trademark Office on October 07, 2004.

The petition is DISMISSED.

A review of the file record indicates that the application was held abandoned for failure to timely file a response to the Office action mailed January 13, 2004, which set a three-month shortened statutory period. A Notice of Abandonment was mailed on September 30, 2004 stating that no reply was received.

Petitioner contends that a response was filed on April 12, 2004 by mail. In support thereof, petitioner submits, a copy of a returned postcard receipt stamped by the Patent and Trademark Office on April 14, 2004. The postcard submitted is insufficient evidence of a timely reply as the April 14, 2004 stamp date is more than three months from the January 13, 2004 date of mailing of the Office action.

The copy of the response bears a Certificate of Mailing signed by Paul S. Hunter and dated April 12, 2004.

In this regard, any petition to withdraw the holding of abandonment based upon a Certificate of Mailing must include the following requirements:

- (1) A copy of the original response bearing a signed Certificate of Mailing which includes the date of signing; and
- (2) A statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of transmitting the original response on the date indicated on the Certificate of

MM
8/26/05

Mailing (see 37 CFR 1.8 and MPEP 512), by the person who signed the certificate.

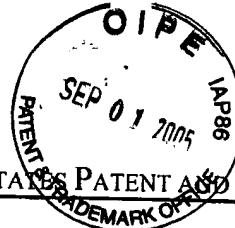
While meeting requirement (1) above the petition fails, under requirement (2), to also include a statement under 37 CFR 1.8(b)(3) attesting to the personal knowledge of sending the original response by facsimile transmission on the date indicated on the certificate, by the person who signed the certificate, in this instance Paul S. Hunter.

It is noted that if Applicant is unable to satisfy the requirements for Certificate of Mailing outlined above that the copy of the response bearing the postcard receipt stamped April 14, 2004 included authorization to charge deposit account 50-2350 for any necessary extensions of time required. Applicant's response would be considered timely filed relying upon the April 14, 2004 date with a one-month extension of time.

Any request for reconsideration of this decision must be submitted within TWO (2) MONTHS from the mail date of this decision. Extensions of time under 37 CFR 1.136(b) are permitted. The reconsideration request should include a cover letter entitled "Renewed Petition to Withdraw the Holding of Abandonment Under 37 CFR 1.81."


Steven N. Meyers
Special Programs Examiner
Patent Technology Center 3600
(571) 272-6611

SNM/rjc 08/02/05



UNITED STATES PATENT AND TRADEMARK OFFICE

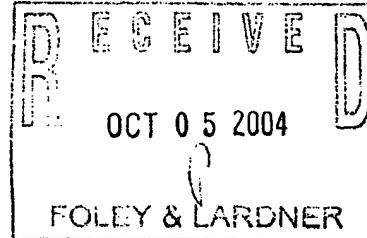
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JN2/PSH

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/667,391	09/20/2000	A. Maxwell Eliscu	46983/103A	6064

26371 7590 09/30/2004
FOLEY & LARDNER
777 EAST WISCONSIN AVENUE
SUITE 3800
MILWAUKEE, WI 53202-5308



EXAMINER

PWU, JEFFREY C

ART UNIT	PAPER NUMBER
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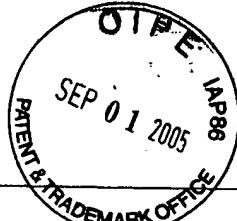
3628

DATE MAILED: 09/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO 90C (Rev. 10/03)

MM
10/5/04



Notice of Abandonment	Application No.	Applicant(s)
	09/667,391	ELISCU, A. MAXWELL
	Examiner Jeffrey Pwu	Art Unit 3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

This application is abandoned in view of:

1. Applicant's failure to timely file a proper reply to the Office letter mailed on 13 January 2004.
 - (a) A reply was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply (including a total extension of time of _____ month(s)) which expired on _____.
 - (b) A proposed reply was received on _____, but it does not constitute a proper reply under 37 CFR 1.113 (a) to the final rejection. (A proper reply under 37 CFR 1.113 to a final rejection consists only of: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114).
 - (c) A reply was received on _____ but it does not constitute a proper reply, or a bona fide attempt at a proper reply, to the non-final rejection. See 37 CFR 1.85(a) and 1.111. (See explanation in box 7 below).
 - (d) No reply has been received.
2. Applicant's failure to timely pay the required issue fee and publication fee, if applicable, within the statutory period of three months from the mailing date of the Notice of Allowance (PTOL-85).
 - (a) The issue fee and publication fee, if applicable, was received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the statutory period for payment of the issue fee (and publication fee) set in the Notice of Allowance (PTOL-85).
 - (b) The submitted fee of \$_____ is insufficient. A balance of \$_____ is due.

The issue fee required by 37 CFR 1.18 is \$_____. The publication fee, if required by 37 CFR 1.18(d), is \$_____.
 - (c) The issue fee and publication fee, if applicable, has not been received.
3. Applicant's failure to timely file corrected drawings as required by, and within the three-month period set in, the Notice of Allowability (PTO-37).
 - (a) Proposed corrected drawings were received on _____ (with a Certificate of Mailing or Transmission dated _____), which is after the expiration of the period for reply.
 - (b) No corrected drawings have been received.
4. The letter of express abandonment which is signed by the attorney or agent of record, the assignee of the entire interest, or all of the applicants.
5. The letter of express abandonment which is signed by an attorney or agent (acting in a representative capacity under 37 CFR 1.34(a)) upon the filing of a continuing application.
6. The decision by the Board of Patent Appeals and Interference rendered on _____ and because the period for seeking court review of the decision has expired and there are no allowed claims.
7. The reason(s) below:

Petitions to revive under 37 CFR 1.137(a) or (b), or requests to withdraw the holding of abandonment under 37 CFR 1.181, should be promptly filed to minimize any negative effects on patent term.

U.S. Patent and Trademark Office
PTOL-1432 (Rev. 04-01)

COPY



THE U.S. PATENT AND TRADEMARK OFFICE OFFICIAL
MAILROOM STAMP AFFIXED HERETO ACKNOWLEDGES
RECEIPT OF THE ITEMS CHECKED BELOW:

MAILED VIA FIRST CLASS MAIL

Serial No.: 09/667,391

Applicant(s): A. Maxwell Eliscu

Filed: 9/20/2000

Title: SYSTEM FOR AND METHOD OF
HANDLING REFERRALS FROM REFERRING
PARTIES

Date Mailed: April 12, 2004

Amendment Transmittal (2 pages) (duplicate)
 Amendment and Reply (18 pages) (duplicates
of page 1 and signature page)



DOCKET NO.: 046983-0103

Atty.: PSH

gd



COPY

Atty. Dkt. No. 046983-0103

THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: A. Maxwell Eliscu

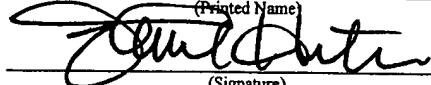
Title: SYSTEM FOR AND METHOD OF
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Appl. No.: 09/667,391

Filing Date: 09/20/2000

Examiner: Jeffrey Pwu

Art Unit: 3628

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Paul S. Hunter	(Printed Name)
	
April 12, 2004	(Signature)
April 12, 2004	
(Date of Deposit)	

AMENDMENT TRANSMITTAL

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

Transmitted herewith is an amendment in the above-identified application.

Small Entity status under 37 C.F.R. § 1.9 and § 1.27 has been established by a previous assertion of Small Entity status.

Assertion of Small Entity status is enclosed.

The fee required for additional claims is calculated below:

	Claims As Amended	Previously Paid For		Extra Claims Present		Rate		Additional Claims Fee	
Total Claims:	64	-	67	=	0	x	\$18.00	=	\$0.00
Independent Claims:	3	-	3	=	0	x	\$86.00	=	\$0.00
First presentation of any Multiple Dependent Claims:				+	\$290.00	=			\$0.00
					CLAIMS FEE TOTAL	=			\$0.00

[] Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

[] Extension for response filed within the first month:	\$110.00	\$0.00
[] Extension for response filed within the second month:	\$420.00	\$0.00
[] Extension for response filed within the third month:	\$950.00	\$0.00
[] Extension for response filed within the fourth month:	\$1,480.00	\$0.00
[] Extension for response filed within the fifth month:	\$2,010.00	\$0.00
	EXTENSION FEE TOTAL:	\$0.00
[] Statutory Disclaimer Fee under 37 C.F.R. 1.20(d):	\$110.00	\$0.00
	CLAIMS, EXTENSION AND DISCLAIMER FEE TOTAL:	\$0.00
[X] Small Entity Fees Apply (subtract 1/2 of above):		\$0.00
	TOTAL FEE:	\$0.00

[] Please charge Deposit Account No. 50-2350 in the amount of \$0.00. A duplicate copy of this transmittal is enclosed.

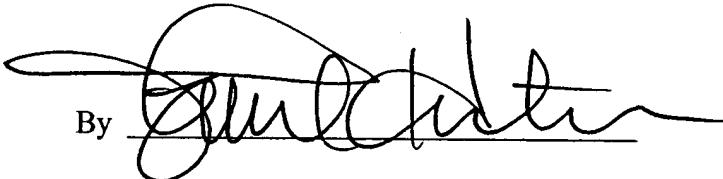
[] A check in the amount of \$0.00 is enclosed.

[X] The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-2350. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

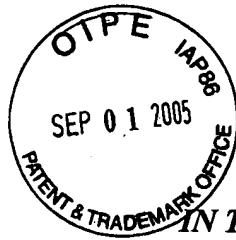
By



Date April 12, 2004

FOLEY & LARDNER LLP
150 East Gilman Street
P. O. Box 1497
Madison, Wisconsin 53701-1497
Telephone: (608) 258-4292
Facsimile: (608) 258-4258

Paul S. Hunter
Attorney for Applicant
Registration No. 44,787



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Atty. Dkt. No. 046983-0103

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: A. Maxwell Eliscu

Title: SYSTEM FOR AND METHOD OF
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Paul S. Hunter	(Printed Name)
	
April 12, 2004	(Date of Deposit)

AMENDMENT AND REPLY UNDER 37 CFR 1.111

Mail Stop NON-FEE AMENDMENT
Commissioner for Patents
PO Box 1450
Alexandria, Virginia 22313-1450

Sir:

This communication is responsive to the Non-Final Office Action dated January 13, 2004, concerning the above-referenced patent application.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this document.

Remarks/Arguments begin on page 13 of this document.

Please amend the application as follows:

Amendments to the Claims:

This listing of claims will replace all prior versions, and listings, of claims in the application:

Listing of Claims:

1. (Currently amended) In a transaction management and financial services system configured to communicate between a server and at least one remote device via a network, a method comprising:

receiving a referral from a referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party; [and]

storing the information regarding the referral in a storage device;

determining whether the referral satisfies system-based parameters;

if the referral satisfies system-based parameters, determining whether the system already has sufficient information to engage the referral;

if the system has sufficient information, engaging the referral; and

if the referral becomes engaged, establishing an account for the referral within a marketplace in the transaction management and financial services system.

2. (Original) The method of claim 1, wherein the referral is received from a credit processing center of a financial institution.

3. (Original) The method of claim 1, wherein the referral is received from any one of a centralized processing center of a financial institution, a centralized underwriting center of a financial institution, a financial institution, and an electronic commerce site.

4. (Cancelled without Prejudice)

5. (Currently amended) The method of claim [4]1, if the referral party does not satisfy system-based parameters, further comprising forwarding information regarding the referral to a third party.

6. (Cancelled without Prejudice)

7. (Currently amended) The method of claim [6]1, wherein the sufficient information comprises commercial transaction information.

8. (Original) The method of claim 7, wherein commercial transaction information comprises any one of invoices, purchase orders, shipping documentation, check copies, check remittance information, credit memos, time tickets, and other documentation associated with commercial transactions.

9. (Currently amended) The method of claim [6]1, where there is not sufficient information to engage the referral, further comprising obtaining additional information from the referral.

10. (Currently amended) The method of claim [6]1, where there is sufficient information to engage the referral and the referral is a financing-seeking party, further comprising providing a proposal for financing to the financing-seeking party.

11. (Original) The method of claim 10, further comprising receiving a response to the proposal from the financing-seeking party.

12. (Original) The method of claim 11, if the received response is a rejection of the provided proposal, further comprising providing an alternative financing proposal.

13. (Cancelled without Prejudice)

14. (Currently amended) The method of claim [13]1, further comprising receiving commercial transaction information from the referral.

15. (Original) The method of claim 14, wherein the step of receiving commercial transaction information comprises receiving electronic commercial transaction information, receiving paper-based commercial transaction information, converting the paper-based commercial transaction information into an electronic format and storing the received commercial transaction information in the central server computer.

16. (Original) The method of claim 15, wherein the marketplace comprises buyers and sellers.

17. (Original) The method of claim 16, wherein the marketplace comprises a centralized repository of commercial transaction information for buyers and sellers.

18. (Original) The method of claim 16, further comprising providing operations which can be performed within the marketplace.

19. (Original) The method of claim 18, wherein the operations which can be performed within the marketplace comprise any one of trade credit underwriting, commercial transaction management, financing, and modification and customization of a screen display at a remote device in communication with the server.

20. (Original) The method of claim 19, wherein trade credit underwriting comprises any one of receiving a request to approve a buyer for trade credit; responding to the request by analyzing the buyer for trade credit eligibility; obtaining additional information on the buyer, where there is insufficient information to analyze the buyer for trade credit eligibility; and making a recommendation to the requesting party as to the eligibility of the buyer for trade credit.

21. (Original) The method of claim 20, wherein the additional information may include information obtained from any one of the buyer seeking trade credit approval and external information sources.

22. (Original) The method of claim 21, wherein the information received from the buyer comprises any one of length of time in business, number of employees, industry, sales size, credit references, banking references, type of business, financial information, and other buyer information.

23. (Original) The method of claim 21, wherein the external information sources comprise any one of banks; suppliers; credit agencies; identification verification companies; local, state, federal, and international governments; and information gathering firms.

24. (Original) The method of claim 23, wherein the external information from banks comprises any one of information on credit facilities to the buyer seeking trade credit approval, average size of bank balances, performance histories including overdraft frequency, credit facility default history, and other banking records relating to the buyer seeking trade credit approval.

25. (Original) The method of claim 23, wherein the external information from suppliers comprises any one of information on the length of their relationship with the buyer seeking trade credit approval, average credit extended to the buyer seeking trade credit approval, payment performance history of the buyer seeking trade credit approval, products sold to the buyer seeking trade credit approval, degree of satisfaction with the performance of the buyer seeking trade credit approval, and other information concerning their relationship with the buyer seeking trade credit approval.

26. (Original) The method of claim 23, wherein the external information from credit agencies comprises any one of length of time in business, number of employees, industry, sales size, bank of record, secured party information, payment performance history, type of business, financial information, organizational history, owner biographical information, and other buyer information.

27. (Original) The method of claim 23, wherein the external information from identification verification companies comprises authentication of buyer identity.

28. (Original) The method of claim 23, wherein the external information from local, state, federal, and international governments comprises any one of corporate documents including articles of incorporation, corporate filing documents, information containing identification of the officers of the company, information contained within SEC filing documents, and other information available through various governments.

29. (Original) The method of claim 19, wherein commercial transaction management comprises any one of aggregating commercial transaction information including images to a central server computer; providing access to ancillary commercial transaction information through the central server computer to facilitate management, maintenance, and conclusion of commercial transactions; enabling external users to access the central server computer to modify commercial transaction information, to electronically reconcile modifications of commercial transaction information with an accounting system located at a remote device, to conclude and electronically reconcile commercial transaction information with an accounting system located at a remote device; receipt and application of electronic and paper-based payment; storing payment information, including images, within the central server computer; and facilitating the management and collection of payments; allowing buyers and seller to electronically reconcile payment information with an accounting system located at a remote device.

30. (Original) The method of claim 29, wherein the ancillary commercial transaction information comprises any one of electronic shipping information, bank account information, and other information necessary to manage, maintain, and conclude commercial transactions.

31. (Original) The method of claim 29, wherein the step of aggregating commercial transaction information comprises linking commercial transaction information to the associated commercial transaction and accounts of a buyer and seller that are parties to the commercial transaction.

32. (Original) The method of claim 29, wherein commercial transaction management further comprises providing dispute resolution, comprising the steps of:

receiving dispute information related to an invoice, the dispute information including information identifying the disputed invoice, the invoice having an invoice issuer and an invoice recipient;

communicating the dispute information to the invoice issuer; and

providing for communication between the invoice issuer and the invoice recipient to facilitate resolution of the dispute.

33. (Original) The method of claim 29, further comprising providing access to commercial transaction documentation to both the buyer and the seller, commercial transaction documentation including commercial transaction information and ancillary commercial transaction information.

34. (Original) The method of claim 19, wherein financing comprises any one of receiving information regarding a financing seeking party; where there is sufficient information to make a proposal, making a proposal to provide financing to the financing seeking party; where there is not sufficient information to make a proposal, obtaining additional information; and if the proposal is declined, providing an alternative financing proposal.

35. (Original) The method of claim 34, wherein sufficient information comprises any one of financial information of the financing-seeking party, articles of incorporation of the financing-seeking party, customer list of the financing-seeking party, vendor list of the financing-seeking party, organizational history of the financing-seeking party, detailed lists of assets and liabilities of the financing-seeking party, number of employees of the financing-seeking party, industry of the financing-seeking party, type of business of the financing-seeking party, key employee biographies and responsibilities of the financing-seeking party, and other information on the financing-seeking party.

36. (Original) The method of claim 34, further comprising, if the proposal is accepted, establishing an account for the financing seeking party and capturing account activity information.

37. (Original) The method of claim 36, wherein account activity information can be information regarding any one of advance requests, over advance requests, credit availability, and communications with financing seeking party.

38. (Original) The method of claim 19, wherein the operations performed within the marketplace result in the gathering of information which is captured to form a profile for a specific user, the specific user including any one of a specific company user and a specific individual user.

39. (Original) The method of claim 38, wherein the profile comprises information of what data is accessed by the specific user and how the display of data on the screen display is modified by the specific user.

40. (Original) The method of claim 38, wherein the profile further comprises information gathered during any one of the operations of trade credit underwriting, commercial transaction management, and financing.

41. (Original) The method of claim 38, further comprising customizing a look and feel of the screen display based on the profile established for the specific user.

42. (Original) The method of claim 41, wherein the look and feel furthers brand exposure of the referring party.

43. (Original) The method of claim 41, wherein the look and feel comports with the brand image of the referring party, whereby an impression is created that the operations of the transaction management and financial services system are being performed by the referring party.

44. (Original) The method of claim 41, wherein the look and feel comports with the brand image of the referring party, whereby an impression is created that the operations of the transaction management and financial services system are being performed in affiliation with the referring party.

45. (Original) The method of claim 38, further comprising customizing the content of the screen display based on the profile established for the specific user.

46. (Original) The method of claim 38, further comprising customizing advertisements provided on the screen display based on the profile established for the specific user.

47. (Original) The method of claim 46, wherein the advertisements are specific to the referring party.

48. (Original) The method of claim 38, further comprising customizing the presentation of referring party products and services to the screen display based on the profile established for the specific user.

49. (Original) The method of claim 38, wherein the profile comprises attributes determined by an external party.

50. (Original) The method of claim 49, wherein the external party comprises any one of an advertiser, referring party, financial institution, and any corporate entity.

51. (Original) The method of claim 49, further comprising providing a means for any one of accessing, analyzing, interpreting, modifying, and retrieving attributes of the profile.

52. (Original) The method of claim 38, wherein the profile comprises system-defined attributes.

53. (Original) The method of claim 1, further comprising providing a screen display indicating an affiliation with the referring party.

54. (Original) The method of claim 53, wherein the screen display is wholly representative of the referring party.

55. (Original) The method of claim 1, further comprising providing a screen display with no indication of the referring party.

56. (Currently amended) A system configured to provide transaction management and financial services and to communicate between a server and at least one remote device via a network, the system comprising:

means for receiving a referral from a referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a

transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party; [and]

means for storing the information regarding the referral in a storage device;
means for determining whether the referral satisfies system-based parameters;
if the referral satisfies system-based parameters, means for determining whether the system already has sufficient information to engage the referral;
if the system has sufficient information, means for engaging the referral; and
if the referral becomes engaged, means for establishing an account for the referral within a marketplace in the transaction management and financial services system.

57. (Currently amended) A computer program product comprising computer readable program code for handling declinations, the program code in the computer program product comprising:

first computer readable program code configured to:

[for] receive[ing] a referral from a referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party; [and]

determine whether the referral satisfies system-based parameters;
if the referral satisfies system-based parameters, determine whether the system already has sufficient information to engage the referral;
if the system has sufficient information, engage the referral; and
if the referral becomes engaged, establish an account for the referral within a marketplace in the transaction management and financial services system;

second computer readable program code for storing the information regarding the referral in a storage device.

58. (Currently amended) The method of claim 1, further comprising:
evaluating the referral to determine whether the referral meets system-determined underwriting criteria, the system-determined underwriting criteria being variables used to determine whether the services and products of the system meets the needs of the referral; and if the referral does not meet system-determined underwriting criteria, seeking an alternative provider for the referral.

59. (Original) The method of claim 58, wherein the step of seeking an alternative provider for the referral comprises communicating application information on the referral to potential alternative providers; and receiving bids from potential alternative providers and communicating bids to the referral.

60. (Original) The method of claim 58, wherein the step of seeking an alternative provider for the referral comprises receiving bids from potential alternative providers; selecting a bid from the received bids; and communicating the selected bid to the referral as a system-branded bid.

61. (Original) The method of claim 58, wherein the step of seeking an alternative provider for the referral comprises matching application information for the referral to underwriting guidelines of a plurality of alternative financing providers and determining whether one or more matches exist.

62. (Original) The method of claim 61, further comprising notifying the alternative provider and the referral of the match.

63. (Original) The method of claim 62, wherein the match is provided on a private label basis, reflecting the brand of the transaction management and financial services system and the referring party.

64. (Original) The method of claim 62, wherein the match is provided on a co-branded label basis, reflecting the brand of the transaction management and financial services system and the alternative provider.

65. (Original) The method of claim 62, wherein the match reflects only the brand of the alternative provider.

66. (Original) The method of claim 62, wherein the match reflects only the brand of the referring party.

67. (Original) The method of claim 1, further comprising:
compiling a list of names and information associated with providers of commercial transaction management services; and
communicating the list associated with providers of commercial transaction management services for presentation at a remote device.

REMARKS

Applicant respectfully requests reconsideration of the present application in view of the foregoing amendments and in view of the reasons that follow.

Claims 4, 6, and 13 are requested to be cancelled without prejudice.

Claims 1, 5, 7, 9, 10, 14, 56, 57, and 58 are currently being amended.

This amendment adds, changes and/or deletes claims in this application. A detailed listing of all claims that are, or were, in the application, irrespective of whether the claim(s) remain under examination in the application, is presented, with an appropriate defined status identifier.

After amending the claims as set forth above, claims 1-3, 5, 7-12, and 14-67 are now pending in this application.

Rejection under 35 U.S.C. § 101

In Section 3 of the Office Action, Claims 1-55 and 58-67 are rejected under 35 U.S.C. § 101 “because the claimed invention is not supported by either a specific and substantial asserted utility or a well established utility.” Applicant respectfully traverses the rejection. The Examiner argues that the claimed invention is not a specific tangible machine or process for facilitating a business transaction. The claimed invention, however, is a process for facilitating business transactions. The Examiner references MPEP Section iV 2(b). However, Applicant has been unable to locate such a section.

According to MPEP 2017,

Any rejection based on lack of utility should include a detailed explanation why the claimed invention has no specific and substantial credible utility. Whenever possible, the examiner should provide documentary evidence regardless of publication date (e.g., scientific or technical journals, excerpts from treatises or books, or U.S. or foreign patents) to support the factual basis for the *prima facie* showing of no specific and substantial credible utility. If documentary evidence is not available, the examiner should specifically explain the scientific basis for his or her factual conclusions.

The Examiner fails to provide any explanation for rejection based on lack of utility.

Claim 1 as amended recites a method comprising:

receiving a referral from a referring party, the referral including information regarding any one of a financing-seeking party that has been declined by the referring party, a transaction management-seeking party, a trade credit-seeking party, and a credit guarantee-seeking party;

storing the information regarding the referral in a storage device;

determining whether the referral satisfies system-based parameters;

if the referral satisfies system-based parameters, determining whether the system already has sufficient information to engage the referral;

if the system has sufficient information, engaging the referral; and

if the referral becomes engaged, establishing an account for the referral within a marketplace in the transaction management and financial services system.

Claim 1 discloses a process for facilitating a financial services business transaction and results in “establishing an account for the referral within a marketplace in the transaction management and financial services system.” Thus, a useful, concrete, tangible result is provided by Claim 1. Claims 2, 3, 5, 7-12, 14-55, and 58-67 depend from Claim 1. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 1-55 and 58-67 as amended.

Rejection under 35 U.S.C. § 102

In Section 6 of the Office Action, Claims 1-67 are rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent Application No. 2001/0049646 (Wilkinson). Applicant respectfully traverses the rejection. Applicant also reserves the right to swear behind Wilkinson. Wilkinson does not disclose, teach, or suggest the claimed invention as recited in Claims 1-3, 5, 7-12, and 14-67.

Claims 1-3, 5, 7-12, 14-55, and 58-67

Claims 2, 3, 5, 7-12, 14-55, and 58-67 depend from Claim 1. Claim 1, as amended, recites:

if the referral becomes engaged, establishing an account for the referral within a marketplace in the transaction management and financial services system.

With respect to Claim 1 and on pages 3-4 of the Office Action, the Examiner states that Wilkinson teaches all of the limitations of Claim 1. Applicant respectfully disagrees. There is no disclosure, suggestion, or teaching in Wilkinson of “establishing an account for the referral within a marketplace in the transaction management and financial services system.”

Applicant on page 13, lines 21-30 states:

FIGURE 3 illustrates an exemplary embodiment of marketplace 201 that is configured to interact with buying communities 211 and 221 and financial institution 231. Buying communities 211 and 221 consist of at least one buyer and at least one seller.” On page 14, lines 6-8, Applicant states that “in an exemplary embodiment, marketplace 201 can be implemented as a plurality of customized web pages in which participants interact with other participants in marketplace 201.

Wilkinson discloses a “pool,” but the pool describes a set of either suppliers or demanders that can be searched. In reference to the pool, Wilkinson states:

The method comprises being a first supplier to refer the first demander to a service provider ... who collects data from the first

demander and enters it into a database and makes that data available to one or more other suppliers in a pool”

(see page 1, paragraph [0009], Emphasis added).

In addition to creating a pool of suppliers that can be searched, the method also creates a pool of other demanders who can be searched.

(see page 5, paragraph [0049], Emphasis added).

The invention also creates a pool of other suppliers that the supplier can search for potential partners.

(see page 6, paragraph [0051], Emphasis added).

There is absolutely no disclosure, suggestion, or teaching in Wilkinson of “establishing an account for the referral within a marketplace in the transaction management and financial services system.” (Emphasis added). An anticipation rejection cannot properly be maintained where the reference used in the rejection does not disclose all of the recited claim elements. As a result, Applicant respectfully requests withdrawal of the rejection of Claims 1-3, 5, 7-12, 14-55, and 58-67.

Claim 56

Claim 56, as amended, recites:

if the referral becomes engaged, means for establishing an account for the referral within a marketplace in the transaction management and financial services system.

As explained with respect to Claim 1 above, Wilkinson does not disclose, suggest, or teach the “means for establishing an account for the referral within a marketplace in the transaction management and financial services system.” Wilkinson discloses a “a pool of suppliers that can be searched” and “a pool of other demanders who can be searched.”

Claim 57

Claim 57, as amended, recites:

first computer readable program code configured to:

if the referral becomes engaged, establish an account for the referral within a marketplace in the transaction management and financial services system;

As explained with respect to Claim 1 above, Wilkinson does not disclose, suggest, or teach the “first computer readable program code configured to, if the referral becomes engaged, establish an account for the referral within a marketplace in the transaction management and financial services system.” Wilkinson discloses a “a pool of suppliers that can be searched” and “a pool of other demanders who can be searched.”

Anticipation of a claim by a prior art reference requires that the reference disclose each and every limitation in the claim. Wilkinson does not teach the marketplace recited by Applicant’s claims. Accordingly, the rejection under 35 U.S.C. §102(e) of claims 1-67 based on Wilkinson cannot be properly maintained. Applicants respectfully request the withdrawal of the rejection.

Applicant believes that the present application is now in condition for allowance. Favorable reconsideration of the application as amended is respectfully requested. The amendments to Claim 1, 56, and 57 do not require an additional search by the Examiner because the limitations were previously included in Claims 4, 6, and 13. Similarly, the amendments to Claim 1, 56, and 57 do not raise issues of new matter, increase the number of claims, or otherwise involve new issues.

The Examiner is invited to contact the undersigned by telephone if it is felt that a telephone interview would advance the prosecution of the present application.

Applicant believes no fee is due for this submission, however, the Commissioner is hereby authorized to charge any fees due in connection with this submission to Deposit Account No. 50-2350. If any extensions of time are needed for timely acceptance of papers submitted herewith, Applicant hereby petitions for such extension under 37 C.F.R. §1.136 and authorizes payment of any such extensions fees to Deposit Account No. 50-2350. Duplicate copies of page 1 and the signature page of this Reply are enclosed for such purposes.

Respectfully submitted,

By



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